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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,087	08/22/2003	Martin Raymond Scott	6770P001	3882

7590 06/22/2007
Lester J. Vincent
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Seventh Floor
12400 Wilshire Boulevard
Los Angeles, CA 90025

EXAMINER

PEZZLO, JOHN

ART UNIT	PAPER NUMBER
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2616

MAIL DATE	DELIVERY MODE
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06/22/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/646,087

Applicant(s)

SCOTT ET AL.

Examiner

John Pezzlo

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-8, 10 and 14-20 is/are rejected.
- 7) ☒ Claim(s) 5, 9, 11-13, 21 and 22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>8/22/03, 9/8/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

I. Claims 1-4, 6-8, 10, and 14-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Thompson et al. (US 5,526,362) hereinafter Thompson.

1. Regarding claims 1 and 14 – Thompson discloses providing at least some packets with a Remote Timestamp, or information from which a Remote Timestamp can be generated, representing the state of the source TDM clock when the packet is created, providing said at least some packets with a Local Timestamp representing the state of the destination TDM clock when the packet is received, determining a Transit Time value representing the difference between said Local and Remote Timestamps, and controlling the clock frequency of the TDM output on the basis of said Transit Time as determined above, refer to Figures 2 and 3 and column 2 lines 2 to 28 and column 3 lines 44 to 54 and column 4 lines 36 to 58.

2. Regarding claims 2 and 15 – Thompson discloses said Timestamps are based on bit counts at the source and destination TDM clocks, refer to column 3 lines 1 to 22.

3. Regarding claims 3, 4, 16 and 17 – Thompson discloses a filter is provided to filter said Transit Time value over time wherein said filter is a first order low pass filter, refer to Figures 2 and 3 and column 2 lines 28 to 32 and column 4 lines 12 to 58.

4. Regarding claims 6, 7, 18, and 19 – Thompson discloses received packets are placed in a packet buffer, and the buffer depth is controlled by a depth control algorithm and said depth control algorithm makes adjustments to said packet buffer by adding or removing packets, refer to Figure 2 and column 2 lines 10 to 38 and column 5 lines 5 to 24.

5. Regarding claims 8 and 20 – Thompson discloses said Remote Timestamp is calculated at said destination by counting the number of packet payload bits which have been received, refer to column 3 lines 1 to 54.

6. Regarding claim 10 – Thompson discloses said clock frequency is controlled by a clock control algorithm which ensures that the change in said clock frequency is proportional to the change in the average transit time, to Figures 2 and 3 and column 2 lines 2 to 28 and column 3 lines 44 to 54 and column 4 lines 36 to 58.

Allowable Subject Matter

Art Unit: 2616

Claims 5, 9, 11-13, 21, and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. Colavito et al. (US 2003/0152094 A1) discloses an adaptive threshold based jitter buffer management for packetized data.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Pezzlo whose telephone number is (571) 272-3090. The examiner can normally be reached on Monday to Friday from 8:30 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin, can be reached on (571) 272-3134. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2600.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C.

Art Unit: 2616

or faxed to:

(571) 273-8300

For informal or draft communications, please label "PROPOSED" or "DRAFT"

Hand delivered responses should be brought to:

Jefferson Building


2A15

500 Dulany Street

Alexandria, VA, 22313.

John Pezzlo

15 June 2007



JOHN PEZZLO
PRIMARY EXAMINER